IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.82 OF 2007

Shri Radheysham Ramsamuj
(Ramacharya) Pande ..Appellant.

V/s.

The Principal Secretary,
The State of Maharashtra & Ors. ..Respondents.

Mr.Rameshwar N.Gite for appellant.

Mr.A.R.Patil, AGP for respondent Nos.1 & 2.

Mr.M.L.Patil for respondent No.3.

Mr.Anil J. Ahuja for respondent Nos.4 & 5.

CORAM : ABHAY S.OKA, J.

DATED : 11th APRIL, 2007.

P.C. :-

. Heard the advocates for the parties. Appellant is the original plaintiff. Prayer made by the appellant / plaintiff in application at Exh.5 is for stay of proceedings of reference under section 18 of the Land Acquisition Act, 1894 filed at the instance of some of the defendants. The said prayer has been rejected by the trial Court.

2. After having heard the learned advocates appearing for the parties, I find that there is no merit in the appeal. The challenge in the suit is to

award made under section 11 of the said Act of 1894. In view of the settled position of law, prima facie the suit cannot be maintainable. The learned trial Judge was right in holding that the proceedings under section 18 of the Act of 1894 cannot be stayed.

3. Hence there is merit in the appeal and the same is dismissed with no order as to costs.

4. It is made clear that no opinion is expressed on the rights of the parties to receive compensation.

(ABHAY S. OKA, J.)